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Gazette.

IN ADVANCE
[Vol. XXXIX]

CONSOLIDATION. CONCLUDED.

The pretences of deriving this assumed power from which the bill in question, was based on military clause, or the regulating commerce or the post-road clause, were seen to be weak, but farcical. Which of them will apply to Mr. Calhoun's frolic to the top of the Allegany? Who can follow his journey for this purpose with the House of Representatives a taken, viz. That Congress has no power to do this. The measure is not only ground which a defence of the bill in question would not do seriousness.

Mr. McDuffie's speech of the bill, comprises every in its defence, and was able and eloquent support been heard in either house. We now come to the crimination between the parties; between the national government, and limited powers. I debates in the conversion of political position taken by improvement bill, distinctive, the private doctrine. For if Congress act, which, to deduce to the Who is to the barrier state right; tion; al grant clus ing at

Mr. McDuffie, is willing to qualify this unlimited claim of power, by confining it to five objects, which can be effected by an appropriation of money, concerning which, the constitution according to him, makes no limitation whatever on the discretionary power of congress. The position he assumes therefore, is, that congress may adopt any measure whatever, that they may deem necessary to the common defence and general welfare, if money be necessary to carry it into effect, and appropriate any money whatever for the purpose.

He justifies this by three cases of legislation that he thinks can be justified on no other principle: Congress appropriated a sum of money for the relief of the French emigrants from St. Domingo, who were compelled to take refuge here in a very destitute condition. And they appropriated another sum, for the relief of the sufferers by an earthquake at the Caracas. I reply that Congress did not stop to enquire whether they had an indisputable right to indulge this honorable feeling, & perform these urgent acts of charity at an expense too insignificant to be an object of debate. Neither will I.

But Mr. Jefferson, by treaty, purchased Louisiana, for "the common defence and general welfare," and congress appropriated the money. Well, could they avoid it? Is it not the received opinion that the house of representatives are bound to make the appropriations necessary to carry into effect a treaty agreed to by the executive and ratified by the senate? I express no opinion of my own upon the question, but this, the common opinion; has always been acted upon. At any rate, even those who deny it to be the duty of the house, agree that there is no objection to their doing so, if they see fit. This case, then, is involved essentially and forms a part of one of the powers expressly vested in, and delegated to congress by the constitution. The abstract principle of its being a duty, or not a duty, was discussed, but not settled in the debate on Jay's Treaty, but the right of appropriating in such a case, was never for a moment denied then or at any time since. Mr. McDuffie, therefore, must look out for some other precedent equally in point, to support the stand he was taken.

The following are the remarks of the Richmond Enquirer, on the above quotation:

"These doctrines may be calculated for the meridian of Ohio,—but surely not of Virginia."

"We shall not examine the opinion of Mr. Adams, as to roads and canals only—but we would throw out a few suggestions as to the main principle itself.—Can Mr. Adams be a friend to a limited construction, when he goes thus far for the whole? Can one, who takes such broad ground, be considered as of the old school of '93? Whatever promotes their general welfare—whatever better or is supposed to be the means of bettering their condition,—whatever improves the condition of the nation—is according to him, within the pervue of the powers of the general government. Where then is the limitation? when can we say 'thus far and no further?' What cannot the federal government do? What power is denied to them, which they may suppose calculated to better the condition of the nation?"

"Is it not enough to say, as the old republicans said, is this particular power given—or if not given, is it the means necessary and proper, for carrying any particular given power into execution?—but we

at the true reading of the constitution, the power better the condition of the it follows of course—and the man is d, who will not immediately admit it. is to be believed, we need no longer lives with any enquiry as to the terms on separate states have associated together ry object of the association cancels all and endows the government with unde- indefinable powers. If the United States by thing to better their condition, whether sea have conceded the power or not, there was ility for a particular enumeration of pow- the constitution. They may establish roads canals and libitum—universities, colleges and s—in fact, where is the limitation?

When the Virginia Legislature adopted Madison's report in 1800, they were 'ineffably stupid.'—his 'ineffably stupid,' report demonstrated, that the phrase 'general welfare' was to be found in the 'articles of confederation'; and that the phrase in this limited instrument was not understood to be either a general grant of power, or to authorize the requisition or application of money by the old congress to the common defence and general welfare, except on the bases afterwards enumerated, which explained and limited their meaning."

"How 'ineffably stupid' was the Federalist (1st vol.) when it asked, 'what would have been thought of that assembly (the Federal Convention) if attaching themselves to these general expressions, and disregarding the specifications which ascertain and limit their import, they had exercised unlimited power of providing for the common defence and general welfare?'"

"How 'ineffably stupid' was James Madison, when on the 3d of March, 1817, he was constrained by the insuperable difficulty (he felt) in reconciling (the internal improvement) bill to the constitution of the United States, though to negative that bill, he admits its capacity to 'better the condition' of the people!"

"If these doctrines be so 'ineffably stupid,' we are content to abide by them. But at least let us hear no more of John Q. Adams' being of the Virginia school of politicians. Can the constitution be safe in his hands! It would be a nose of wax—moved this way or that, as expediency might point out."

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In fact I see no difference between Mr. J. Q. Adams and Mr. McDuffie. For does not absolute power reside in the purse of the nation, and with him who has absolute control over the contents? What federalist would not embrace Mr. Adams' proposition with Mr. McDuffie's limitation? If you are left at full liberty to do whatever can be done with money, what is it you cannot do? If Mr. Monroe and Mr. Calhoun, can place at their own disposal ten millions to be expended in jobs for fortifications, and as much in jobs for post roads, and military roads, and commercial roads, and post canals and military canals, and commercial canals, in every corner of the union where influence is to be acquired, I believe the less we say about the "public welfare," the better.

I am by no means an enemy to internal improvements, but much otherwise, if they were executed upon some plan of equality among the respective states. But no system of expenditure is proposed which shall contain the principles of equality;

and a more wanton dissipation of the money of the United States I can hardly suggest, than the projected improvements in the state of Pennsylvania. Every exercise of usurped power, is tyranny. Every assumption of power by Congress, not clearly and indubitably conceded, is a fraud on the general states. Do you want power to make internal improvements? Take the constitutional mode of obtaining it, and apply for an amendment to your constitution. Why do you refuse so to do? Because you are in doubt whether you can fairly and honestly convince the several states of the necessity for it, because you distrust your own cause, and dare not confide in your own arguments.

But such is now the case, and the leading characteristic doctrine of ultra-federalism and consolidation, is now the fashionable doctrine in congress; and one half, at least, of the South Carolina representation are the advocates for it! Very many of your young politicians seem inclined to favor the pretensions of power and patronage, and to enlist under the banners of ultra-federalism.

Fellow-Citizens, it is in vain to talk of an amalgamation of parties, while the dividing line of 1787, has continued to be the dividing line from thence forward, to 1824. Is South Carolina destined to be a federal state? Do you mean to join the ranks of that party? If you do, so be it. Things must take their course, and the friends of state rights must be content to remain in their minority. If not, the politics of Mr. Adams, Mr. Calhoun and General Jackson, are not the politics of this state; for those gentlemen supported to the utmost of their power, a principle and a measure, which, from the very moment of party difference, has decidedly characterized the federal party.—Consolidation is the motto of their flag.

This accusation will involve some of the most honorable, some of the most able, some of the most zealous, and useful sons of South Carolina. Men who with industry, perseverance, knowledge and ability, worthy of all praise, defended the rights of the South, against the ignorant and selfish speculations of the tariff-men. But it is remarkable, that neither Mr. Webster, Col. Hayne, Mr. Poinsett, or Mr. McDuffie, advocated the rights of the South on principle. May Hamilton, of Charleston, alone, in his very able view of that question, went into the right claimed by congress to legislate the money of the planter, into the coffers of the manufacturer. Yet, I do not think that gentleman could, on principle take the ground here ably supported: for if congress have a right to pass any act which they may deem conducive to the general welfare, why may they not pass an act to protect domestic and prohibit foreign manufactures? Why may they not legislate on the Missouri question? In half a dozen years Arkansas will apply to be a state. Suppose Mr. John Q. Adams, elevated to the presidency, with his known views on that subject, will it not encourage the enemies of the South to bring it up again? Surely it will.

Fellow-Citizens, it is in vain to say the monster party may be destroyed. People who honestly, and with views and intentions equally honest, differ on principles, must ever remain two parties. There need be no animosity, because going both of us to the same point C. You prefer the road A. and I think better of the road B. Still the difference of opinion must and will remain; nor do I believe the country would gain much by amalgamation. It is well for both of us to be watched.

The question here discussed is a very leading and important one. The tendency to consolidating opinion among almost all our young politicians is manifest, the road to hereditary office is breaking upon the view, and monarchy is dimly seen at the end of the vista.

I close these remarks submitting them, under the sanction of the following opinions on the subject, by James Madison our former president.

Proceedings in the Virginia Assembly passed in December, 1798, with the review of the committee thereon.

The other questions presenting themselves, are—1. Whether indications have appeared of a design to expand certain general phrases copied from the 'articles of confederation,' so as to destroy the effect of the particular enumeration that explained & limited their meaning. 2. Whether this exposition would by degrees consolidate the states into one sovereignty. 3. Whether the tendency and result of this consolidation would be to transform the Republican system of the United States into a monarchy.

1. The general phrases here meant must be those of providing for the common defence and general welfare."

In the 'articles of confederation' the phrases are used as follows, in article VIII. "All charges of war and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all lands within each state, granted to or surveyed for any person, as such lands and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled, shall from time to time direct and appoint."

In the existing constitution, they make the following part of section D. "The congress shall have

presented January 7, 1800.

also to the same purpose, by Madison, the Federalist, or the

power, to lay and collect taxes, duties imposts and excises to pay the debts, and provide for the common defence and general welfare of the United States."

This similarity in the use of these phrases in the two great federal charters might well be considered as rendering their meaning less liable to be misconstrued in the latter: because it will scarcely be said that in the former they were ever understood to be either a general grant of power, or to authorize the requisition or application of money by the old congress to the common defence and general welfare, except in the cases afterwards enumerated which explained and limited their meaning; and if such was the limited meaning attached to these phrases in the very instrument revised and remodelled by the present constitution, it can never be supposed that when copied into this constitution, a different meaning ought to be attached to them.

That notwithstanding this remarkable security against misconstruction a design has been indicated to expound these phrases in the constitution so as to destroy the effect of the particular enumeration of power by which it explains and limits them, must have fallen under the observation of those who have attended to the course of public transactions. Not to multiply proofs on this subject, it will suffice to refer to the debates in the Federal Legislature, in which arguments have on different occasions been drawn, with apparent effect, from these phrases in their indefinite meaning.

To these indications might be added, without looking farther, the official report on manufactures by the late Secretary of the Treasury, made on the 5th of December, 1791; and the report of a committee of Congress in January 1797 on the promotion of agriculture. In the first of these, it is expressly contended to belong "to the discretion of the National legislature to pronounce upon the objects which concern general welfare, and for which under that description an appropriation of money is requested and proper. And there seems to be no room for a doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce, are within the sphere of the national council as far as regards an application of money." The latter report assumes the same latitude of power in the national councils, and applies it to the encouragement of agriculture, by means of a society to be established at the seat of government. Although neither of these reports may have received the sanction of a law carrying them into effect, on the other hand, the extraordinary doctrine contained in both, has passed without the slightest positive mark of disapprobation from the authority to which it was addressed.

Now whether the phrases in question be construed to authorize every measure relating to the common defence and general welfare, as contended by some, or every measure only in which there might be an application of money, as suggested by the caution of others, the effect must substantially be the same, in destroying the import and force of the particular enumeration of powers, which follow these general phrases in the constitution. For it is evident that there is not a single power whatever which may not have some reference to the common defence or the general welfare; not a power of any magnitude which in its exercise does not involve or admit an application of money. The government therefore which possesses power in either one or other of these extents, is a government without the limitations formed by a particular enumeration, of powers, and consequently the meaning and effect of this particular enumeration, is destroyed by the exposition given to these general phrases.

This conclusion will not be effected by an attempt to qualify the power over the "general welfare," by referring it to cases where the general welfare is beyond the reach of separate provisions by the individual states; and leaving to these their jurisdiction in cases, to which their separate provisions may be competent. For as the authority of the individual states must in all cases be incompetent to general regulations operating through the whole, the authority of the United States would be extended to every object relating to the general welfare, which might by any possibility be provided for by the general authority. This qualifying construction therefore would have little, if any tendency, to circumscribe the power claimed under the latitude of the terms "general welfare."

The true and fair construction of this expression, both in the original and existing federal compacts, appears to the committee too obvious to be mistaken. In both, the congress is authorized to provide money for the common defence and general welfare. In both, is subjoined to this authority, an enumeration of the cases, to which their powers shall extend. Money cannot be applied to the general welfare, otherwise than by an application of it to some particular measure conducive to the general welfare. Whenever therefore, money has been raised by the general authority, and is to be applied to a particular measure, a question arises, whether the particular measure be within the enumerated authorities, vested in Congress. If it be, the money requisite for it may be applied to it; if it be not, no such application can be made. This fair and obvious interpretation coincides with, and is enforced by the clause in the Constitution which declares that "no money shall be drawn from the treasury, but in consequence of appropriations by law." An appropriation of money to the general welfare, would be deemed rather a mockery than an observance of this Constitutional injunction.

2 Whether the exposition of the general phrases here combated, would not by degrees consolidate the states into one sovereignty, is a question concerning which, the committee can perceive little room for difference of opinion. To consolidate the state into one sovereignty, nothing more can be wanted, than to supersede their respective sovereignties in the cases reserved to them, by extending the sovereignty of the United States to all cases of the "general welfare," that is to say, to all cases whatever.

3 That the obvious tendency and inevitable result of a consolidation of the states into one sovereignty would be, to transform the republican system of the United States into a monarchy, is a point which seems to have been sufficiently decided by the general sentiment of America. In almost every instance of discussion, relating to the consolidation in question, its certain tendency to pave the way to monarchy, seems not to be contested. The prospect of such a consolidation has formed the only topic of controversy. It would be unnecessary therefore, for the committee to dwell long on the reasons which support the position of the General Assembly. It may not be improper, however, to remark two consequences evidently flowing from an extension of the federal powers to every subject falling within the idea of the "general welfare."

One consequence must be, to enlarge the sphere of discretion allotted to the executive magistrate. Even within the legislative limits properly defined by the Constitution, the difficulty of accommodating legal regulations to a country so great in extent, and so various in its circumstances, has been much felt, and has led to occasional invasions of power in the executive which involve perhaps as large a portion of discretion, as can be deemed consistent with the nature of the executive trust. In proportion as the objects of legislative care might be multiplied, would the time allowed for each be diminished, and the difficulty of providing uniform and particular regulations for all, be increased. From these sources would necessarily ensue, a greater latitude to the agency of that department which is always in existence, and which could best mould regulations of a general nature, so as to suit them to the diversity of particular situations. And it is in this latitude, as a supplement to the deficiency of the laws, that the degree of prerogative materially consists.

The other consequence would be, that of an excessive augmentation of the offices, honours and emoluments depending on the executive will. Add to the present legitimate flock, all those of every description which a consolidation of the states would take from them, and turn over to the federal government, and the patronage of the executive would necessarily be as much swelled in this case, as its prerogative would be in the other.

This disproportionate increase of prerogative and patronage must, evidently, either enable the chief magistrate of the union, by quiet means, to secure his reelection from time to time, and finally, to regulate the succession as he might please; or, by giving so transcendent an importance to the office, would render the elections to it so violent and corrupt, that the public voice itself might call for an hereditary, in place of an elective succession. Which ever of these events might follow, the transformation of the Republican system of the United States into a monarchy, anticipated by the General Assembly from a consolidation of the states into one sovereignty, would be equally accomplished; and whether it would be into a mixed or an absolute monarchy might depend on too many contingencies to admit of any certain foresight. So far Mr. Madison.

Upon the whole, it appears, that the Convention of 1787, who framed our present Constitution, were of the politics now sneered at as radical; that one present constitution is radical in all its principles; that our oldest and best tried politicians were, and are radicals in their politics; attempting so far as they could foresee, to lay the axe to the root of all useless expense, and of all constructive usurpation, averse to all measures that might tempt us to engage in sectional quarrels, which could be prudently and honorably avoided. They were no friends to magnificent, expensive and dazzling forms and principles of government; to governments aiming at extensive patronage; to needless grants of power; or of money, which is synonymous with power; being well persuaded that the difference between a good and bad government is that the last is expensive beyond necessity, while frugality without parsimony, is the characteristic of the former. The principle is universally true, that the cheaper we can purchase what we really want, and the less we expend on what we do not want, the greater surplus remains at our disposal; whether we apply it to a form of government, or a yard of muslin.

Such are the political tenets of the men who are stigmatized as "peevish and pound foolish," of Anti-Federalists, Republicans, Democrats, Lovers, Disorganizers, Jacobins and RADICALS; names attempted at various periods of political warfare to be affixed to the leaders of that party, who after all seems to me to be the FAIRLY OF THE PEOPLE. Whether they be so or not, let the people judge.

The question was then taken on the motion of Mr. ... to be paid to General Lafayette, and in- ... and decided in the negative by a large majority.

The question was then taken on ordering the bill to be engrossed, and decided in the affirmative by a large majority.

It was then ordered that the bill should be read a third time to-day.

The bill was then read a third time, accordingly, and the question thereupon decided, on request of Mr. BRECHER, by Yeas and Nays, as follows.

YEAS.—Messrs. Abbot, Adams, Alexander, of Vir., Alexander, of Tenn., Allen, of Mass., Allen, of Penn., Allison, Archer, Bailey, Baylies, Barber, of Conn., P. P. Barbour, J. S. Barbour, Bartlett, Bartley, Bassett, Blair, Breck, Brent, Brown, Buchanan, Buckner, Cambreleng, Campbell, of S. C., Carter, Carey, Cassidy, Clark, Cook, Collins, Conner, Cook, Craig, Crownsfield, Culpeper, Cushman, Day, Durfee, Dwinell, Dwight, Eaton, Eddy, E. J., Edwards, of Penn., Ellis, Farrelly, Floyd, Frost, of Conn., Foote, of N. Y., Forsyth, Forward, Frost, Fuller, Garrison, Gatlin, Gowan, Gurley, Hall, Hamilton, Harris, Harvey, Hemphill, Henry, Herrick, Hobart, Hogeboom, Holcombe, Hooks, Houston, Ingham, Isaacs, Jenkins, Jennings, J. T. Johnson, Kent, Kiddler, Kremer, Lathrop, Lawrence, Lee, Leftwich, Letcher, Little, Livingston, Locke, Long Longfellow, McArthur, McDuffie, McKean, McKee, McKim, McLane, of Del., Mangum, Mallory, Markley, Martindale, Marvin, Matlack, Mercer, Miller, Mitchell, of Penn., Mitchell, of Md., Moore, of Ken., Moore, of Ala., Morgan, Neal, Nelson, Newton, O'Brien, Olin, Owen, Patterson, of Penn., Plumer, of N. H., Plumer, of Penn., Poinsett, Rankin, Reed, Reynolds, Richards, Rose, Saunders, Sandford, Sharpe, Arthur Smith, Alex. Smyth, Wm. Smith, Spruitt, Standefer, A. Stevenson, J. Stephenson, Stewart, Spiddard, Storrs, Swan, Taliaferro, Tatt, Tall, Taylor, Ten Eyck, Test, Thompson, of Penn., Thompson, of Geo., Tomlinson, Tracy, Trimble, Parker, of Va., Tyson, Udree, Vance, of N. C., Van Rensselaer, Van Wick, Warfield, Wayne, Webster, Whipple, Whitman White, Wickliffe, Williams, of Va., Williams, of N. C., James Wilson, Henry Wilson, Wilson, of S. C., Wolfe, Wood- Wood—Mr. Speaker—165.

NAYS.—Messrs. Beecher, Buck, Burleigh, Campbell, of Ohio, Crafts, Gazlay, Gist, F. Johnson, Lincoln, Livermore, McCay, McLean, of Ohio, Matson, Metcalfe, Patterson, of Ohio, Ries, Scott, Sloane, Sterling, Thompson, of Ken., Tucker, of S. C., Vance, of Ohio, Vinton, Whittlesey, Wilson, of Ohio, Wright—26.

When the yeas and nays had been called and recorded, the Speaker rose, and observing that, having been preceded by the place he held, from the expression of his sentiments in relation to either the principle or the form of the bill, he requested of the House that he might be permitted so far to give expression to his feelings, in relation to both, as to record his vote with these of the other members—and I have having been promptly given, the Clerk called the Speaker's name, and his vote was recorded in the affirmative.

When the House adjourned.

Mr. JEFFERSON having been toasted at the dinner given to General Lafayette in the rotunda at the University of Virginia, he made the following affecting and eloquent remarks.

I will avail myself of this occasion, my beloved neighbours and friends, to thank you for the kindness which now, and at all times, I have received at your hands. Born and bred among your fathers, led by their partialities into the line of public life, I laboured in fellowship with them through that arduous struggle, which, freeing us from foreign bondage, established us in the rights of self-government; rights which have blessed ourselves, and will bless in their consequence, all the nations of the earth. In this contest all did our utmost; and as none could do more, none had pretensions to superior merit.

I joy, my friends, in your joy, inspired by the visit of this our ancient and distinguished leader and benefactor. His deeds in the war of independence you have heard and read. They are known to you, and embalmed in your memories, and in the page of history. His deeds in the peace which followed that war, are perhaps not known to you; but I can attest them. When I was stationed in his country for the purpose of cementing its friendship with ours, and of advancing our mutual interests, the friend of both was my most powerful auxiliary and advocate. He made our cause his own, as in truth it was that of his native country also. His influence and connections there were great. All doors and all departments were open to him at all times; to me only formally & at appointed times. In truth, I only held the mail, he drove it. Honour him then as your benefactor in peace, as well as in war.

My friends, I am old, long in the disuse of making speeches, and without voice to utter them. In this feeble state, the exhausted powers of life leave little within my competence for your service. If with the aid of my younger and abler coadjutors, I can still contribute any thing to advance the institution, within whose walls we are now mingling manifestations to this our guest, it will be as it ever has been, cheerfully and zealously bestowed. And could I live to see it once enjoy the patronage and cherishment of our public authorities with undivided voice, I shall die without a doubt of the future fortunes of my native state, and in the consoling contemplation of the happy influence on its character, its virtue, its prosperity and safety.

To these effusions for the cradle and land of my birth, I add, for our nation at large, the aspirations of a heart warm with the love of country, whose invocations to Heaven for its indissoluble union will be fervent and unrelenting, while the pulse of life continues to beat; and when that ceases, it will expire in prayer for the eternal duration of its freedom and prosperity.

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THE GAZETTE.

Lexington, Thursday January 13.

EDITED BY JOHN M. McALLAN.

LEGISLATIVE.

We have been favoured with the perusal of a letter dated the 11th inst. from Frankfort, which informs us, that on the day preceding, the Senate had confirmed the nomination by the Governor of the following gentlemen as Judges of the court of Appeals viz: WILLIAM T. BARRY, JAMES HAGGIN, BENJAMIN V. PATTON, JOHN TRIMBLE.

The Legislature was expected to adjourn on yesterday.

On Monday the House of Representatives rejected the bill for digging a Canal at Louisville at the expense of the state and a bill was reported incorporating a company for that purpose. Yesterday the bill passed to a third reading. On Monday the Senate passed Mr. Hughes' bill relative to occupants and yesterday a bill fixing the salaries of the Judges of the Court of Appeals at \$2000.

Yesterday was the election of Public Officers.

Samuel South former treasurer, was elected on the third vote by a majority of 20 over Joel Yancey.

Amos Kendall, A. G. Meriwether & Robert Johnson were elected Public Printers by 35 votes over J. H. Holman, the printing having been consolidated.

Joho J. Crittenden was unanimously elected President of the Commonwealth's Bank, and for directors F. P. Blair, G. E. Russell, Wm. Gerard, J. G. Roberts, Jacob Swigert, Benj. Johnson Robert Johnson, and Thos. Triplett, of Franklin county, Willis field of Woodford G. W. Knight of Shelby; Price Nuttall of Henry and W. O. Butler of Galatio.—Argus.

Thomas B. Monroe Esq. has been nominated by the Governor to be reporter to the Court of Appeals.

LAFAYETTE.

By a communication from Col. Tattall of the H. of Representatives, to the Mayor of Savannah it is ascertained that General La Fayette will not leave Washington on his visit to the South until after the inauguration of the next President. He will leave Washington on the 6th March for Raleigh. W. may not expect him in his part of the Union until April, May, or perhaps June.

SYSTEM OF MILITARY DISCIPLINE.

A board of officers of which Gen. Scott of the army was President, has just finished a revision of the book of field exercise and manoeuvres for the Infantry. The board sat at West Point. We shall be glad to see it diffused through the country. It is an astonishing military men, that an authorized system has been so long omitted for Artillery, Light Infantry and Rifleman. We hope this deficiency will be soon supplied.

THE COURT OF APPEALS.

We see the effects produced on all sides among the pretended sentinels of the people, by the late course in the legislature. To prove that they are not the true organs of the public sentiment, it will only be necessary to state, on a high estimate, that out of twenty-eight or thirty journals in Kentucky, about seven alone are the declared champions of the rights of the people, as they are understood by the great majority of that people; whilst the rest are either violently opposed to the minority, or leaning toward that course. A writer in late Richmond paper, on anonymous, but a conspicuous member of the Senate of Kentucky, has come out very plainly in expressing his opinions of the relief granted as he affectionately calls the great body of the people. He also feels the defeat which the part to which he belongs, has so signally experienced. He feels the mortifying attitude which he and his unbleared compeers now occupy; and whilst he assails his opponents as the destroyers of the great bulwark of the people's rights, as the enemies of the people, &c. &c. he forgets, or omits the fact, that those very opponents are now acting as instructed agents of the people themselves, who have been actually deeded in this course by the necessity of the case, after a thorough investigation of the subject before some years. Who constitute the Legislature? The direct representatives of the people. Who constitute the Judicial branch of the government? Men who do not receive their offices from the people, but through their agents, & who are, in fact, irresponsible to the people, if the doctrine contended for by the court party be correct, that they are not removable for error of opinion.

The language of the Senatorial correspondent, above alluded to, proves how erroneously terms may be applied, by those who are determined to twist language to suit themselves. Had that individual occupied the situation of some of those poor men, whom he so harshly stigmatises, he might have viewed the encroachments which have been made by the judiciary on the Legislative branch of the government, in a very different light. He might have thought with the majority, that a tribunal which could arrogate to itself the unlimited control of the constitution and the laws; which would with blind obstinacy differ from a vast majority of the enlightened men of the state, and in so doing strip the people of their right to govern themselves—which could utter an opinion containing palpable contradictions on its face, and involving thousands in pecuniary destruction, and then modestly claim exemption from removal for error of opinion;—does not deserve the whole-sale support which he and his friends have given it. It is not true that the judiciary has been encroached on. It is the judiciary which is swallowing up all the powers of the government. And that branch which stands in England as the barrier to the Crown, and the bulwark of the people, is here in an inverted order, the oppressor of the people, and the invader of their rights. This true state of the question is becoming better understood abroad as well as at home. But to Kentucky has been reserved the merit of taking the lead in decisive act, by which her own rights are effectually protected, and an example given for others to follow.

The gentleman speaks of the majority in the Legislature as mere individuals; whilst he assumes to himself the character of the exalted depository of the public confidence of a free people. And pray who are the members of the majority? Of whose confidence are they the depositories? Are they not the confidential agents of a free people of the great body of the people? We hope the gentleman will correct his phraseology—and not say the minority are the representatives of the people—but of a minor part of the people.

I would ask the correspondent, what has heretofore been the estimation of minorities? Have they not always been subject to the will of the majority, acting under the constitution? Are the minorities to become subservient to the minorities in order to out-

let their increasing clamours and complaints! The time for the minority to rule is past, and heretofore, however they may object, the affairs of the state will be directed by the PEOPLE, through their constitutional organs.

STATE RIGHTS.

We give the conclusion of the pamphlet which we commenced two weeks since, in this day's Gazette; and trust that those who have examined it, are struck with its forcible arrangement of facts and deductions. The author is known to be the celebrated Judge Cooper, President of the South Carolina College. His high standing in the literary and scientific world, will ensure his work the careful attention of all who are acquainted with his weight of talents.

To show how generally the encroachments on state rights by the authorities of the General Government have excited attention in other states, and by whom the question is agitated, we subjoin an extract from an address of General Robert G. Harper to the voters of Baltimore, published in the Baltimore American of the 15th ult. We acknowledge that the authority is not orthodox with Kentucky Democratic Republicans; but it tends to prove the truth of one of the suggestions of Judge Cooper, that the Federal party are as devoted to the interests of the country, as their opponents; but that they have mistaken the means for promoting the object. General Harper says, however that the change in our circumstances, has produced the change in his opinion; and, that now he decries the final overthrow of state influence and power.

The subjoined extract from Governor Wilson's Message to the Legislature of South Carolina, contains a similar expression of sentiment, and is more specific in pointing out the sources from whence the danger is to be dreaded, viz. the constructive powers claimed by Congress—and the Federal Judiciary.—We seriously recommend this subject to the deliberate investigation of the People of this country, and that they should act with firmness in laying the axe to the root of the evil, whilst it is not too late to reform.

Extract from General Harper's Speech.

"This ground is now wholly changed. The government has had thirty years of successful existence and operation, since I first took part in its affairs.—Its systems of finance and administration have been perfected. It has passed safely through a change of administration, a violent struggle of parties, and a foreign war. Its revenue is abundant, its old debt nearly paid, and its new one in a course of rapid extinguishment. Its foreign relations have been conducted, on the whole, with signal success. Its territory has received additions of incalculable value, in the acquisition of Louisiana and Florida. And almost all the disputed points, in the construction of its constitutional powers, have been satisfactorily settled. The number of states moreover has been greatly increased, by which the federal powers have been augmented in force, while state influence has been proportionably diminished by division. And by the rapid increase of population in the north and west, the centre of power has been shifted in such a manner, as to produce results not foreseen or apprehended, by the wisest of our statesmen, thirty years ago.

In this new state of things, I have ceased to apprehend danger to the federal government, from state power; and although I would maintain it as zealously as ever, in the fair exertion of its constitutional authority, I would watch with even greater solicitude, against any encroachment on the rights, which may in their turn be threatened with gradual diminution and final overthrow. The preservation of our free institutions depends, in my opinion, on the maintenance of a just balance between these opposing powers, which are destined from their nature to be in endless conflict with each other.

Hence it is the part, in my opinion, of a prudent and patriotic statesman, to watch sedulously over the maintenance of this balance; and to give his most anxious care to the state powers, as being the most exposed to danger."

Extract from Governor Wilson's Message.

"There is one subject of deep and vital importance to the stability of the General and State Governments, to which I beg leave to invite your attention. Every friend to our present constitution, in its original purity, cannot but have witnessed the alarming extent to which the Federal Judiciary and Congress have gone towards establishing a great and consolidated government, subversive of the rights of the States, and contravening the letter and spirit of the constitution of the Union. The act of the last session of Congress, appropriating money to make surveys, is but an entering wedge, which will be followed, no doubt, by the expenditure of millions. Unless the People apply the proper corrective, the day is not far distant, when South Carolina shall be grievously assessed, to pay for the cutting of a canal across Cape Cod. None of the friends to assumed powers of the General Government, pretend to derive them from any specific grant of power in the constitution, but claim them as implied, resulting, or necessary to the common defence and general welfare. The construction contended for by them is an open violation of that which has heretofore universally been admitted the true rule for expounding all grants. It never for a moment entered into the imagination of the members of the convention that framed the union that they were surrendering the sovereignty and independence of the States. On the contrary, there was a universal sensitiveness on that point, which produced the section which declared all power not expressly granted, to be reserved to the people, or the states. Whenever we become a great consolidated nation, the day will soon arrive when we shall crumble into as many parts as there are cardinal points of the compass. It is our duty a public sentinels to give the alarm, in order that those who are friendly to the present constitution may preserve it in its original purity. The opinions of men high in office on this point should be known, that they may be properly appreciated by the people, who alone possess the corrective in their elective franchise."

LANCASTER Jan. 26th. 1815.

Sir—When I accepted of a seat on the bench of the Court of Appeals, it was with an expectation that my services in that station would be acceptable to the public. It seems however that in this expectation I am disappointed. It is reported here and the report is generally credited, that the Legislature have passed a law to increase the salary of such judges as shall hereafter be appointed, leaving the salary of those in office at present as heretofore. Such an

act is too unequivocal an expression of the Legislative disapprobation of the present incumbents in office to be mistaken, and however unjust in itself or injurious to my feelings, I am not disposed to indulge a querulous tone as unfairly as it would be unavailing. Opposed upon principle to holding a public station of any sort against the public will, I must beg of you to accept of this as my resignation of the office of Chief Justice, &c.

I am sir, with sentiments of the greatest respect and esteem,

Your obedient Servant,

JOHN BOYLE.

His Excellency ISAAC SHELBY,

Governor of the Commonwealth of Kentucky.

O, these old records! What a curious contrast his letter affords with one lately published from the same hand, with the course which the judges have since been pursuing and which it is said by their friends, they still intend to pursue! In 1813 a mere rumor that the Legislature had passed an act which might be construed into a disapprobation of his services, drew from the Chief Justice this letter of resignation. This single act of the Legislature was then taken as proof of the public will; but now a decisive expression of a large majority of many successive Legislatures, backed by a Governor elected by an overwhelming vote, is no evidence of the public will whatever! Or if it be, he who was ready to surrender in 1813 to a rumor of an act which might be construed as legislative disapprobation and that as an index of the public will, is prepared in 1824 to set himself in opposition to many known acts and resolutions of the legislature backed by an overwhelming majority of the country, as evinced by the poll books last August. How shall we account for such changes in feeling and principle?—Argus.

INTERESTING BY LAST MAIL.

The President has informed Congress, that Com. Porter has been ordered home, to stand an investigation of his conduct in the late visit to Favarlo.

Accounts of an unfavorable kind have been received from Beliver. It is said that he has sustained reverses.

The Emperor of Russia has issued an order for all foreign missionaries to leave his Empire. Many of them had arrived at Cronstadt, to embark for England.

William Trimble and Benjamin Johnson of Arkansas, have been appointed by the President Judges in that Territory.

THE GREEKS.

It is confirmed that the Egyptian fleet has been totally defeated and dispersed by the Greeks. The Turks have begun to quarrel among themselves at Candia. Defeat and dismay stare them in the face. The Grand Officer of the Seraglio has been beheaded. The Greeks are preparing to invade Crete.

SPAIN AND PORTUGAL.

Inveterate persecution continues against the Constitutionalists, Freemasons and even Royalists. The French army is to be reduced to 23,000 men, who are to occupy the principal fortresses.

A conspiracy to murder the King of Portugal, and place his "eldest hopes" on the throne has been detected. The queen is said to be at the root of the conspiracy.

The Duke De Noailles, Peer of France, died lately at Fontenay en Brie at the age of 85 years.

In England the greatest exertions are making, not only to preserve the life of Fountenay; but also to avert the punishment of death for forgery, our countryman Perkins has invented a mode of substituting steam for guano.

The process is very simple to those who remember Mr. Perkins's generator into which he inserts a barrel, and by the action of two pipes towards the chamber of the gun introduces a quantity of balls, which by the action of the handle to be chamber are dropped in to the barrel a fire of one by one, at the rate of from four to five hundred per minute, with an explosive force of steam of 700 lbs. to the square inch—a musket ball of red against a iron plate distance one hundred feet: flatness; with the force of 840 lbs. to the square inch it flies into many fragments, and not a particle remains—Mr. Perkins shows some striking moveable cannon on this principle—ten guns are calculated to do more execution than two hundred on the present plan; an average of only six guns would be more than a match for a 74. The person who examined this invention thus concludes—

"Many two powers of the earth were to know, that in the event of declaring war against each other, a plague on pestilence would blast both arms, and sweep them from the face of the earth, they would pause before they made such a declaration, but what plague, what pestilence would exceed, in its effects, those of the steam gun? Five hundred balls fired every minute, and one out of twenty to reach its work—why, ten of such guns would destroy 100,000 men. Mr. Perkins considers steam discovery as in its infancy, for he says he is convinced that a steam engine might be made to throw a ball of a ton weight, from Dover to Calais."

LEGHORN, Sept 15.

A vessel which left Algiers on the 6th, brings the following news:—The Dey has declared that he will make war on Sardinia, if it does not pay in one month the tribute he has demanded. He has made the same declaration as to Holland adding the injunction to separate from its alliance with Spain in the course of 3 months. Against Spain he has declared open war. The Dey, it appears, desires to revenge himself on powers of the second order for the humiliation he lately suffered from England. A squadron of 112 vessels, well armed, is ready to sail.

TOWN POLICE.

Mr. Editor, I have heard with pleasure, that the Board of Trustees of Lexington are taking preparatory steps for a more strict enforcement of the by-laws of the town, than they have heretofore done. There have been numerous and severe complaints made against several of the encroachments on the streets, particularly by steps of houses. In many instances, they project so far, as to leave only one or two feet for passers. This is an abuse which it is to be hoped, will not be permitted after this month. I am persuaded it would give general satisfaction, to enforce a rule for restraining them within proper bounds.

There is another eyesore, which continually pains me whenever I walk up or down main street. It is the number of hanging signs, with BOOK STORE, SADDLERY—DRY GOODS—BOOTS & SHOES, LOFTERY OFFICES—HAT STORE, &c. &c., blazoned on them, which project over the sidewalks, and threaten the innocent passenger with a broken head. I saw a child narrowly escape death from the fall of one of these signs last time I was in the street. I saw a man who had been struck by one of these signs, and was lying on the ground, with a broken head, and a broken heart. I saw a man who had been struck by one of these signs, and was lying on the ground, with a broken head, and a broken heart.

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noct, which was shared by perhaps fifty other spectators, made me determine then to make an appeal to the Trustees against those dangerous dead-falls. Never can you know your danger, until it makes you feel it.

I trust that the Trustees will endeavour to have the town well regulated, the streets rectified, nuisances removed, and all other needful affairs attended to, previous to the arrival of a certain expected "Guest."

VIATOR.

The following persons were elected on the 1st inst. to serve as Trustees of the town of Lexington for the ensuing year, viz.

JOHN BRADFORD, CHARLES HUMPHREYS, JOHN SHROCK, JOHN M. McALLAN, THOMAS M. HICKEY, OLIVER KEEN, DAVID MEGOWAN, JOSEPH BARBEE, C. W. CLOUD, JOSEPH LOGAN, THOMAS ANDERSON.

MARRIED on the evening of the 8th instant, by the Rev. Dr. Chapman, Mr. WILLIAM M. BRAND, son of John Brand Esq. of this place, to Miss HARRIETTE WILLIAMS, daughter of President Holley.

DIED.

In this town on the 9th inst. Mr. John S. Herring, of Virginia.

In Harrison county, Samuel Lamme, aged upwards of seventy-five years; an old soldier of the Revolution.

CONCERT.

THE HARMONIC SOCIETY.

Will give their Second Concert at Mrs. Keen's Ball Room, ON THIS EVENING.

Consisting of the Following Pieces, viz.

PART 1st.

Grand Overture, Vanball

Favourite Waltz, Braungart

Variations on the Clarinet to "Musette de Nica," performed by the author, Ratel

Andante and Minuetto, Stewart

Sinfonia, Pleyel

March in the God of Love, Ratel

PART 2d.

Overture to the Lady of the Manor, Ratel

Fly to the Desert" with flute variations and Horn Echoes, Ratel

Andante Amoroso and Presto movement, Mozart

Sweet is the Vale," arranged with full accompaniments, Ratel

Variations on the Bird Flageolet to "La Pique de Tabac," performed by the author, Ratel

FINALE.—Overture to Lodowiska, Kreutzer

Performance to commence at 7 o'clock precisely. Tickets ONE DOLLAR, to be had at Keen's and Ayres' Inns; at J. Brennan & Co's Store, and at M. Giron's

Lexington, Jan. 13, 1825.

THEATRE.

THE LEXINGTON

THESPIAN SOCIETY

Have the pleasure of announcing to the Public that the New Melodrama of

